

**United States District Court**  
**For The Western District of North Carolina**

UNITED STATES OF AMERICA

V.

Clyde Lowelo Grubbs

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

Case Number: DNCW209PO000001-001

USM Number: NONE

Edward Cunningham Perry

Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) 1,2.  
☐ Pled nolo contendere to count(s) which was accepted by the court.  
☐ Was found guilty on count(s) after a plea of not guilty.

**ACCORDINGLY**, the court has adjudicated that the defendant is guilty of the following offense(s):

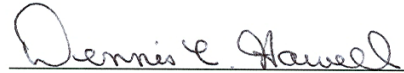
<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Counts</u>
18 U.S.C. § 13, Title 36 CFR, § 4.2 and NCGS §20-141.4(a2) and 20-146	Operate Motor Vehicle Left of Center Line Causing Unintentional Death of Two Persons	08/19/2009	1
18 U.S.C. § 13, Title 36 CFR § 4.2 and NCGS §20-146	Operate Motor Vehicle Left of Center Line in Great Smoky Mountains National Park	08/19/2009	2

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984, United States v. Booker, 125 S.Ct. 738 (2005), and 18 U.S.C. § 3553(a).

- ☐ The defendant has been found not guilty on count(s) .  
☐ Count(s) (is)(are) dismissed on the motion of the United States.

**IT IS ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay monetary penalties, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence: 05/10/2010



Dennis L. Howell  
United States Magistrate Judge

Date: May 12, 2010

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### PROBATION

Count One - the defendant shall be placed on probation for a term of 24 months. (The punishment for this offense is governed by the Assimilative Crimes Act which provides for a "like punishment" as that which would be entered in the applicable state court. At the time of the commission of the offense in count one in this case, N.C.G.S. 15A-1340.23(c) provided that the offense was a class I misdemeanor. The defendant had no prior convictions. The punishment under North Carolina state law is a term of imprisonment of one to forty-five days which must, pursuant to N.C.G.S. 15A-1340.23(c) be a "community punishment" as provided by N.C.G.S. 15A-1340.11. "Community punishment" in this case requires a suspended or probationary sentence.)

Count Two - Judgment is arrested pursuant to State v Hamrick, 110 N.C.App. 60, 428 S.E.2d 830 (1993).

### STANDARD CONDITIONS OF PROBATION

The defendant shall comply with the standard conditions that have been adopted by this court and any additional conditions ordered.

1. The defendant shall not commit another federal, state, or local crime.
2. The defendant shall not unlawfully possess a controlled substance.
3. The defendant shall refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release on probation and a least 2 periodic drug tests thereafter for use of a controlled substance, but the condition stated in this paragraph may be ameliorated or suspended by the court for any individual if the defendant's presentence report or other reliable sentencing information indicates a low risk of future substance abuse by the defendant.
4. The defendant shall make restitution in accordance to 18 U.S.C. 3663.
5. The defendant shall notify the court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution, fines or special assessments.
6. The defendant shall cooperate in the collection of a DNA sample from the defendant if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000.
7. The defendant shall refrain from excessive use of alcohol or any use of a narcotic drug or other controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802) without a prescription by a licensed medical practitioner.
8. The defendant is to refrain from possessing a firearm, destructive device, or other dangerous weapon.
9. The defendant shall undergo available medical, psychiatric, or psychological treatment, including treatment for drug or alcohol dependency, as specified by the court, and remain in a specified institution if required for that purpose.
10. The defendant shall report to a probation officer as directed by the court or the probation officer.
11. The defendant shall permit a probation officer to visit him at his home or elsewhere as specified by the court.
12. The defendant shall answer inquiries by a probation officer and notify the probation officer promptly of any change in address or employment.
13. The defendant shall notify the probation officer promptly if arrested or questioned by a law enforcement officer.

#### ADDITIONAL CONDITIONS:

14. The defendant's conviction is to be reported to the North Carolina Department of Motor Vehicles.
15. It is ordered pursuant to the plea agreement the defendant consents to relinquish his drivers license to the Department of Motor Vehicles of Ohio. The defendant shall not obtain a drivers license from Ohio or any other state or territory for a period of one year. Defendant is further ordered not to operate a motor vehicle under any circumstances for a period of one year.
16. The defendant is banned from all federal lands except for use of main traveled thoroughfares for a period of 2 years.

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### CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the Schedule of Payments.

ASSESSMENT	FINE	RESTITUTION
\$20.00	\$5,000.00	\$4,080.00

### FINE

☐ The court has determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ The interest requirement is waived.

☐ The interest requirement is modified as follows:

### COURT APPOINTED COUNSEL FEES

☐ The defendant shall pay court appointed counsel fees.

☐ The defendant shall pay \$\_\_\_\_\_ Towards court appointed fees.

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## RESTITUTION PAYEES

The defendant shall make restitution to the following payees in the amounts listed below:

<u>NAME OF PAYEE</u>	<u>AMOUNT OF RESTITUTION ORDERED</u>
Harold Bolt, Sr.	\$2,155.00
Harold Bolt, Jr.	\$380.00
Crystal Smith	\$910.00
David Ronnie King	\$635.00

\_\_\_ Joint and Several

- \_\_\_ Defendant and Co-Defendant Names and Case Numbers (*including defendant number*) if appropriate:
- \_\_\_ Court gives notice that this case may involve other defendants who may be held jointly and severally liable for payment of all or part of the restitution ordered here in and may order such payment in the future.
- \_\_\_ The victims' recovery is limited to the amount of their loss and the defendant's liability for restitution ceases if and when the victim(s) receive full restitution.
- \_\_\_ Any payment not in full shall be divided proportionately among victims.

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STATEMENT OF ACKNOWLEDGMENT

I understand that my term of supervision is for a period of \_\_\_\_\_ months, commencing on \_\_\_\_\_ .

Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

I understand that revocation of probation and supervised release is mandatory for possession of a controlled substance, possession of a firearm and/or ammunition, and/or refusal to comply with drug testing.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed) \_\_\_\_\_ Date: \_\_\_\_\_  
Defendant

(Signed) \_\_\_\_\_ Date: \_\_\_\_\_  
U.S. Probation Office/Designated Witness